

## ARTICLE V. SUBDIVISIONS

### DIVISION 1. GENERALLY

#### Sec. 14-549. Purpose.

The purpose of these regulations is to set forth the procedures, requirements and minimum standards governing the subdivision of land under the jurisdiction of the city planning commission. (Code 1997, § 110-1; Ord. No. 04-56, § 4, 5-25-2004)

#### Sec. 14-550. Authority.

These subdivision regulations are adopted in accordance with the authority granted by Act 186 of the 1957 General Assembly of the State of Arkansas as amended (A.C.A. § 14-56-401 et seq.). (Code 1997, § 110-2; Ord. No. 04-56, § 4, 5-25-2004)

#### Sec. 14-551. Jurisdiction.

This article shall apply to all lands within the city limits and all lands subsequently added to the city, and shall extend five miles from the corporate boundaries of the city in all directions as provided for in A.C.A. § 14-56-413. (Code 1997, § 110-3; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 05-146, § 1, 11-8-2005)

#### Sec. 14-552. Application of regulations.

(a) These regulations apply to the division of land into two or more lots, tracts or parcels of any size for the purpose of transferring interest in the land by sale or by contract.

(b) A preliminary and final plat is required for the division of land into two or more lots, tracts or parcels when there is a need for provision of street right-of-way and/or utility easements to lots, tracts or parcels.

(c) A preliminary and final plat is required for the division of land into three or more lots or parcels, all of which have access to existing public roads and utilities. Said plats shall indicate ded-

icated right-of-way as specified in the official road plan and shall be recorded with the county recorder.

(d) When a parcel, tract or lot is split into two or more parcels, tracts or lots of any size, a survey shall accompany each deed. Said survey shall provide a vicinity map, parcel, tract or lot description, utility easements, right-of-way or access and public dedication, if any. (See definition of *Splits* in section 14-557.)

(e) When a parcel, tract or lot is to be transferred which would create a landlocked parcel, tract or lot the parcel, tract or lot to be transferred shall include detailed access to a public road or street to be indicated on the survey. The width of the access shall be a minimum of 50 feet. (See definition of *Splits* in section 14-557.) (Code 1997, § 110-4; Ord. No. 04-56, § 4, 5-25-2004)

#### Sec. 14-553. Conformance to official plans.

All land developments in the city and the planning area shall conform to the official plans, standards, requirements and regulations that are in effect. (Code 1997, § 110-5; Ord. No. 04-56, § 4, 5-25-2004)

#### Sec. 14-554. Lot, tract or parcel size.

Individual lots, tracts or parcels that require both a septic system and water well shall be of sufficient size to satisfy state health department requirements. A minimum frontage shall be 120 feet with a minimum lot, tract or parcel size of 1½ acres. (Code 1997, § 110-6; Ord. No. 04-56, § 4, 5-25-2004)

#### Sec. 14-555. Metes and bounds.

No conveyance by metes and bounds of parcels, tracts or lots coming under the definition of a subdivision without compliance with the applicable provisions of these regulations or amendments thereto shall be permitted. This provision is aimed at preventing an attempt to circumvent

these regulations by conveying by metes and bounds without taking the necessary steps for filing an approved plat.

(Code 1997, § 110-7; Ord. No. 04-56, § 4, 5-25-2004)

#### **Sec. 14-556. Flood hazard areas.**

A flood hazard area is one subject to a base flood as determined by the Federal Emergency Management Agency (FEMA) identified on its flood insurance rate map (FIRM).

(Code 1997, § 110-8; Ord. No. 04-56, § 4, 5-25-2004)

#### **Sec. 14-557. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Building setback line* means a line beyond which no buildings or structures may be erected and beyond which no portion of a building or structure shall extend; however, the roof overhang will be allowed to extend a maximum of 12 inches, plus gutters, into the building setback for one- and two-family residential dwellings only.

*Concept plat* means a generalized sketch of a proposed development containing sufficient information to allow the planning commission to assist the developer in complying with these regulations. See also section 14-579.

*Construction plans and specifications* means detailed design plans and specifications to be used in the construction of streets, curb and gutter, sidewalks, drives, alleys, public utilities, and other improvements.

*Contour intervals* means topographic map lines connecting points of equal elevations.

*Corner lot* means a platted lot of which at least two adjacent sides abut on intersecting streets.

*Dedication* means land and improvements offered to the city, county, or state and accepted by them for public use, control, and maintenance.

*Developer* means a person, firm or corporation undertaking to develop a subdivision or any other type of land development as defined in the regulations.

*Development plan* means a drawing showing all proposed improvements to a piece of property, including, but not limited to, streets, parking lots, buildings, drives, signs, utilities, drainage, grading and planting by size and location.

*Easement* means a grant by the property owner to the public, a corporation or person, of the use of a strip of land for specific purposes.

*Engineer* means a registered professional engineer in the State of Arkansas engaged in the practice of civil engineering.

*Farm divisions.* See *Splits*.

*Final plat.* An engineering drawing which provides for all data related to development of land certified as to accuracy by land surveyor or civil engineer, illustrating details necessary, convey ownership, dedication, etc. However, no information as to physical features or use is reflected. Final plat is prepared in a form suitable for recording.

*Growth comprehensive plan* means the comprehensive plan of the city whether in whole or in part, as adopted by the city planning commission, approved by the city council, and duly recorded in the office of the circuit clerk of the county.

*Health department* means the county and state health department.

*Improvements* means physical changes made to property to prepare it for development, such as but not limited to, streets, grading, drainage structures, sidewalks, curbs, gutters, utility lines, bridges, buildings and similar items.

*Land development* means development including, but not limited to, subdivisions, mobile home parks, mobile home subdivisions, large-scale developments, tract splits, lot splits, farm divisions, streets, roads, bridges, storm drainage systems, water and sanitary sewer systems, off-site improvements, landfills, commercial farms, airports, public utilities, etc.

*Land surveyor* means a licensed land surveyor in the state.

*Large-scale development* means the development of a tract, lot or parcel developed as a single improvement. The term "development" shall include, but not be limited to, the construction of a new improvement, the construction of an addition to an existing improvement, or a revision of land use which results in the need for access and utilities.

*Lot* means a parcel of land legally defined in a recorded deed or a recorded plat, fronting on a public dedicated right-of-way or other approved private drive. Said lot shall establish on building site and comply with the subdivision rules and regulations in effect for the city.

*Lot splits.* See *Splits*.

*Mobile home subdivision* means the development or division of land into lots or parcels intended as a unit for transfer of ownership.

*Parcel* means an area of land under one ownership.

*Planning official* means the person designated by the city council to have overall responsibility of the entire policy or particular portion of the policy.

*Preliminary plat* means an engineering drawing which provides for all data related to a development of land certified as to accuracy by a land surveyor or civil engineer, illustrating the details as necessary to establish a development format with physical land features and usage.

*Right-of-way (ROW)* means an area of land deeded, reserved by plat, or otherwise accepted and maintained by the city, the county, or the state for public use.

*Splits.*

- (1) The term "farm divisions" means for two or more tracts of farm land, all of which are 40 acres or more, for a single resident, with a 50-foot minimum access.
- (2) The term "lot splits" means division of lands adjacent to existing city streets and/or

streets meeting county standards, and/or state of U.S. highways which are part of a platted land development.

- (3) The term "tract splits" means division of lands adjacent to existing city streets and/or streets meeting county standards and/or state or U.S. highways which are not a part of a platted land development and are less than 40 acres in size.

*Street* means a strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel which may also be used to provide space for sewers, public utilities, trees and sidewalks.

*Street classification.* The city master street plan classifies streets and county roads into the following broad categories:

- (1) The term "alley" means a minor public way dedicated to public use for utility easements and public access to the back or side of properties abutting a street. Alleys are not intended for use as private drives and will not be maintained as such.
- (2) The term "arterial" means a street or road of considerable continuity which serves or is intended to serve as a principal traffic-way between separate areas, districts, communities or densely developed areas; and is the main means of access to the primary street system or expressway.
- (3) The term "collector" means a street which, in addition to serving abutting properties, intercepts minor streets, connects with community facilities and carries neighborhood traffic to major arterial street systems.
- (4) The term "dead-end street" means a street having one end open to traffic and being permanently terminated by a vehicular turnaround.
- (5) The term "private drives and driveways" means a travel-way installed and maintained by others and not part of the city street system. They are intended to provide access to and from a residence, lot,

parcel, or tract of land, apartment complex or other private development approved by the city planning commission.

- (6) The term "residential" means minor streets used primarily to provide access to abutting properties.

*Street superintendent* means the person designated by the city council to have overall responsibility of the city streets.

*Subdivisions* means the subdivision of land into lots and blocks, resulting in the need for access or utilities, or the dividing of an existing lot, tract or parcel into two or more lots, tracts or parcels.

*Tract splits. See Splits.*

(Code 1997, § 110-9; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 11-13, § 1, 1-25-2011)

**Secs. 14-558—14-577. Reserved.**

**DIVISION 2. APPROVAL PROCEDURES FOR LAND DEVELOPMENT PLANS AND PLATS**

**Sec. 14-578. Steps.**

The procedures for land development approval involve the following steps:

Step 1. Concept plat submittal.

Step 2. Preliminary plat submission and approval, construction plans and specification submission and approval.

Step 3. Final plat submission, approval and filing.

(Code 1997, § 110-30; Ord. No. 04-56, § 4, 5-25-2004)

**Sec. 14-579. Concept plat submittal.**

(a) When a developer intends to develop a parcel of land within the city or its planning area, a concept plat may first be submitted to the planning administrator for review applicable to the planning requirements. This conference may be of assistance to the developer through the

prevention of unnecessary expense in the plat preparation. The following information shall be required:

- (1) Name, address and telephone number of the owner, developer, engineer and/or surveyor;
- (2) Development name, date, north arrow and approximate acreage;
- (3) Topography (available USGS interval or better);
- (4) Proposed street pattern;
- (5) Proposed storm drainage, on-site and off-site, to an existing major channel;
- (6) Existing watercourses and floodplains, if any;
- (7) Existing adjoining or abutting streets, roads and developments;
- (8) Existing water and sanitary sewer systems;
- (9) Any additional information the developer considers pertinent.

(b) While in concept form, the developer and/or engineer may consult with the planning official to get acquainted with the planning requirements. During this conference, the general features of the land development, including off-site required improvements, shall be determined to the extent possible and necessary for preparation of the preliminary plat.

(c) A plat review committee meeting may be scheduled at the next available time of the technical review committee.

(Code 1997, § 110-31; Ord. No. 04-56, § 4, 5-25-2004)

**Sec. 14-580. Preliminary plat submission and approval.**

When a land development is proposed, the first formal application for approval shall be the pre-

liminary plat directed to the planning commission and submitted to the planning official, subject to the following regulations:

- (1) *Contents.* The preliminary plat submission shall consist of the following:
  - a. Payment of the preliminary plat fee.
  - b. Twenty copies of the preliminary plat of the proposed development along with 20 copies of the drainage report for the development. The plat shall include the information indicated for preliminary plat in subsection (3) of this section.



(2) *Submission time and review schedule.*

- a. The submission required by subsection (1) of this section shall be received according to the TAC review schedule provided by the city planning office. Prior to the scheduled meeting of the planning commission in which the preliminary plat is to be considered.
- b. Following submittal of the preliminary plat, the planning official shall distribute the plat to the TAC review committee for its review and comments. The administrative officer shall schedule a meeting of the TAC review committee with the developer's representatives to consolidate the review comments.
- c. The planning commission shall consider the preliminary plat along with all reports and comments by the TAC review committee, planning official, other city departments, officials, utility companies and other which are of record at the time of the planning commission meeting. Within 30 days after the planning commission meeting described in subsection (2)a of this section, the planning commission shall indicate its approval, disapproval, or approval with conditions. Such approval, disapproval, or approval with conditions shall be conveyed to the developer's representatives at a regular planning commission meeting.

(3) *Preliminary plat approval.* Approval of the preliminary plat shall be subject to the following stipulations:

- a. Such approval does not constitute authorization to proceed with the construction until the construction plans and specifications have been approved by the street superintendent, nor authorization to sell lots until the final plat is approved and filed in the county circuit clerk's office.
- b. Receipt by the developer of the planning commission's written approval of the preliminary plat authorizes the developer to proceed with the following:
  1. Preparation of the construction plans and specifications which shall include:
    - (i) Detailed street plans, profiles and specifications accompanied by soil analysis and design calculations to be reviewed and approved by the street superintendent and/or city engineer;
    - (ii) Detailed storm drainage plans, profiles and specifications accompanied by soil analysis and design calculations to be reviewed and approved by the street superintendent and/or city engineer;
    - (iii) Detailed water and sewer plans, profiles and specifications to be submitted by the developer to the state department of health for review and approval. One informational copy shall be submitted to the planning official for his use and review only. The developer is responsible for obtaining the state department of health's approval of the water and sewer or septic system plans and specifications.
  2. The installation of the site improvements after the construction plans and specifications have been approved by the street superintendent and/or city engineer and written approval of the water and sewer plans have been received from the state department of health.

3. Preparation of the final plat in accordance with the final plat procedures.
  - c. The preliminary plat shall be effective for one year from date of approval to implement the following items:
    1. Approval of construction plans and specifications.
    2. Initiate and progressively continue construction improvements.
    3. Approval and filing of the final plat.
  - d. Any preliminary plat not activated per subsection (3)c of this section within 12 months from date of approval shall be null and void.
- (4) *Construction plans and specifications approval submission requirements and procedures.*
- a. Receipt by the developer of the planning commission's written approval of the preliminary plat authorizes the developer to proceed with the development of the detailed plans and specifications for the proposed improvements. The detailed construction plans and specifications shall be developed by a professional engineer registered in the state and submitted to the appropriate agency for review and approval prior to the developer advertising for bids or beginning construction. Submission of construction plans and specifications for approval shall consist of the following:
    1. One copy of the preliminary plat and approval letter from the planning commission.
    2. Three complete sets of construction plans and specifications for the proposed improvements for review and approval by the street superintendent and/or city engineer. One approved copy will be returned to the developer. The plans and specifications shall include the following information:
      - (i) Street classifications, soils analysis, street typical section, pavement section of each street or street classification in the proposed development.
      - (ii) Street plan and profile, design calculations, and specifications.
      - (iii) Storm drainage calculations, plan and profile and specifications.
      - (iv) As appropriate, design calculations, plan and profile and specifications for all required off-site improvements.
      - (v) Stormwater pollution prevention plans.
      - (vi) One copy of the water line and sanitary sewer plan and profiles.
    3. Two sets of the water and sanitary sewer plans and specifications shall be submitted to the state department of health for approval.
  - b. Review and approval by the street superintendent's and/or city engineer. Within 30 days the street superintendent and/or city engineer shall approve, disapprove, or approve with conditions the street and storm drainage plans and specifications in writing and return one copy to the developer. However, any approval action of the plans and specifications does not constitute approval of the final plat.
  - c. Inspections by the street superintendent and/or city engineer. All street and storm drainage and utility construction within the road right-of-way shall be subject to inspection at



any time by the street superintendent and/or city engineer. The required phase inspections are contained in the latest revision of Design Criteria and Construction Specifications for the Division, Development and Improvement of Land in the City of Rogers.

- d. Time limitations and staged construction. After approval of the detailed plans and specifications of proposed improvements, construction work shall begin within one year and the construction completed within three years thereafter. If not, the original plans and specifications shall be subject to review and updating by the appropriate agencies. Any changes resulting from this review and updating shall be made at the developer's expense.
- e. Staged construction. The following applies to land developments approved for staged construction:
  - 1. If the detailed plans and specifications for the future stages are submitted and approved as part of the original plans and specifications and construction has not started within three years after the approval date, or if construction work ceases for any 12-month period thereafter, the plans and specifications shall be re-submitted to the appropriate agencies for review and updating to meet the current standards and specifications. Any changes resulting from this review and updating shall be made at the developer's expense.
  - 2. If the detailed plans and specifications for any future stage are developed at a later date, they shall be submitted to the appropriate agencies. The plans and specifications shall meet

the current standards, regulations and specifications at that time.

- f. Maintenance bond requirements. Upon completion of the work and final inspection by the appropriate agency, the developer shall furnish the following maintenance bonds:
  - 1. Street and storm drainage improvements. An acceptable maintenance bond shall be provided in the amount of 50 percent of the actual construction cost against defects in workmanship and materials for a period of one year from the date of the final inspection. The bond shall be filed with the city clerk's office after the final inspection and prior to acceptance by the city.
  - 2. Water and sanitary sewer improvements. All water and sanitary sewer work shall be done in accordance with city water utilities requirements.
  - 3. Staged construction. When staged construction is approved prior to future stage development, an inspection of the condition of the existing street system shall be made by the street superintendent and/or city engineer, developer, contractor, and engineer to document the existing condition of the streets. The contractor shall make repairs to street damages as they occur during the construction of the next stage of development. An inspection of the existing street system shall be made as a part of the final inspection of the new stage of street improvements. All damages noted by the street superintendent and/or city engineer shall be satisfactorily corrected prior to acceptance of the new stage of im-

provement. Repair of all damage will be at the developer's expense.

4. Water, sanitary sewer, street and storm drainage in a new stage of construction shall carry the same maintenance bond as specified for the initial construction of improvements, as outlined in subsection (4)i of this section.
- g. Conditions of acceptance. The city shall not have any responsibility with respect to any street, road, or other improvements, notwithstanding the use of the same by the public, unless the street, road, or improvement has been accepted by the city.
- h. The city shall, within 30 days after the improvements have been offered for dedication to the city, accept the improvements provided the improvements have been constructed in accordance with the conditions and requirements of the city. City maintenance will begin when the required one-year maintenance bond has expired.
- i. Prior to requesting final acceptance of the improvements into the city system, the developer shall submit the following:
  1. Two copies of the record drawing for street and storm drainage and two copies of the record drawing for water and sanitary sewer shall be submitted to the planning office.
  2. The appropriately executed maintenance bonds shall be submitted to the city clerk.
  3. Certified proof that all improvements are free of liens and debts shall be submitted to the planning office.

#### **Sec. 14-581. Final plat submission, approval and filing.**

After the planning commission approves the preliminary plat and all improvements have been approved by the appropriate agencies, the developer shall submit to the planning commission an application for approval of the final plat. If the developer wishes to submit the application for approval of the final plat before the improvements have been completed, subsection (2) of this section shall apply.

- (1) *Requirements.* The approval process for the final plat shall consist of the following:
  - a. Application for approval of final plat.
  - b. Payment of the final plat fee contained in section 14-582.
  - c. Twenty reproductions or copies of the final plat which shall require the information for final plats contained in section 14-580(3). The final plat shall be reviewed by the TAC review committee prior to final action by the planning commission, if required by the planning official. If revisions are required, the developer shall make such revisions and resubmit 20 copies of the revised plat containing the revisions to the planning official for distribution to the planning commission.
  - d. Assurances that the improvements indicated in the final plat and/or required by these regulations have been installed or assurances they will be installed. Such assurances shall consist of:
    1. A certification by the engineer of record that all improvements have been completed and accepted.
    2. Individual letters of intent from public utility agencies that they shall or shall not provide service through the developer for the development.

(Code 1997, § 110-32; Ord. No. 04-56, § 4, 5-25-2004)

- (2) *Guarantees in lieu of installed improvements.* If the developer chooses to begin building construction or to sell lots within the land development prior to installing the required improvements, the planning commission may give conditional approval of the final plat under the procedures listed below. Drainage improvements are not eligible for guarantees in lieu of completion.
- a. The terms of any such conditional final plat approval shall be noted on the final plat by the planning commission before the final plat is filed for record.
  - b. An acceptable surety performance bond or irrevocable letter of credit, shall be filed with the planning office in an amount equal to 100 percent of the engineer's estimate of the total cost of the improvements for unfinished street work. For unfinished sidewalks the amount will be 25 percent of the engineer's estimate of total cost for a period of two years. The engineer's estimate of the total cost shall be approved by the planning office. If the planning office does not agree with the engineer's estimate they may hire an independent consultant to review the cost estimate. The cost of the consultant shall be paid by the developer of the project. Upon satisfactory completion of the improvements, the city shall release the performance bond or letter of credit.
  - c. If the developer fails to complete improvements within one year from the date of final plat approval, the city has the option to utilize the performance bond or letter of credit to complete the improvements. In the event a cash bond is accepted and then forfeited, all accrued interest shall revert to the city.
  - d. When the conditions have been met, a certificate of acceptance by the appropriate agencies shall be filed with the circuit clerk and noted on the original recorded plat.
- (3) *Planning commission action.* Not less than 60 days after receipt of the final plat and other required information and certifications, the planning commission shall approve or disapprove the final plat. The approval or disapproval shall be provided to the developer in writing.
- (4) *Developer's final action.* Upon approval by the planning commission, the developer shall:
- a. Submit to the planning official two reproducible copies of the final plat with appropriate signatures of approval (use waterproof ink only).
  - b. Obtain the planning official signature and submit both copies with covenants and certifications to the county circuit clerk's office.
  - c. Have the county circuit clerk record one copy and note on the other copy the recording information such as date, time, book and page number.
  - d. Take the recorded copy and run five additional copies.
  - e. Return the original recorded copy plus the five additional copies to the planning official.
- Approval of the final plat by the planning commission shall not be deemed acceptance by the city of any of the dedications shown on the plat. Such acceptance shall be made by the city council in the manner prescribed by law. When the city council accepts the improvements into the city street system, no maintenance will be performed by city forces until the maintenance bonds have expired.
- (5) *Signatures.* The final plat shall be signed by the chairman of the planning commission, the mayor and the city clerk.
- (6) *Number of plats.* The planning official may request additional copies of the final

plat, if the quantity required by subsection (1)(c) of this section is not sufficient for the necessary distribution.

(Code 1997, § 110-33; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 06-153, § 1, 9-12-2006)

#### **Sec. 14-582. Fees payable to planning office.**

(a) To initiate planning office services, the developer shall remit the fees as currently established and found in appendix B to this Code or as hereafter adopted by resolution of the city council from time to time.

(b) Review, approval and inspection fees for water and sanitary sewer improvements shall be fixed by the Arkansas Department of Health and the city water utilities.

(Code 1997, § 110-34; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 06-153, § 1, 9-12-2006)

#### **Sec. 14-583. Plat requirements for land development.**

(a) *Size and nature of drawn plats.* The original plat shall be drawn in waterproof ink on reproducible, stable base material at a scale which best suits the size of the property being platted. Preferably, the sheets should be standard print size and the scale should be one inch=100 feet.

(b) *Information required.* Plats submitted to the planning office shall have the following information shown or made reference to and attached thereto. The planning official shall deliver the information to the planning commission for review and consideration of concept, preliminary and final plats.

(c) *Procedure for plat approval.* The following information is required by the planning commission for a plat review and approval. Checklists are to be included with plat submittal.

##### **(1) Plat information.**

		<i>Preliminary Plat</i>	<i>Final Plat</i>	<i>Lot Split</i>
a.	Name and address of developer	X	X	X
b.	Subdivision name, date, graphic scale, north arrow and acreage	X	X	X

		<i>Preliminary Plat</i>	<i>Final Plat</i>	<i>Lot Split</i>
c.	Legal description of the property with dimensions and angles sufficient to locate all lines on the ground	X	X	X
d.	Vicinity map showing zoning and surrounding zoning in proposed development	X	X	X
e.	Location of all existing and proposed utility lines and drainage systems including street lights	X	X	

##### **(2) Information to supplement plat.**

		<i>Preliminary Plat</i>	<i>Final Plat</i>	<i>Lot Split</i>
a.	Letter of transmittal	X	X	X
b.	Protective covenants	X	X	X
c.	Certificate of survey accuracy		X	X
d.	Certificate of ownership and dedication		X	X
e.	Certificate of approval by planning commission	X	X	X
f.	Certification of acceptance of dedication		X	X
g.	Written approval of sewer and water systems by state health department and by water and sewer superintendent, check with city water utility concerning special connection fee		X	
h.	Certification of drainage improvements including record drawings of the system		X	
i.	Check list required to be part of preliminary plat approval	X		

(3) *Topographic data.*

		<i>Preliminary Plat</i>	<i>Final Plat</i>	<i>Lot Split</i>
a.	Original topography two-foot contour intervals where slope is less than ten percent or five-foot where slope exceeds ten percent	X		

(4) *Streets, easements, drainage and lot layout.*

		<i>Preliminary Plat</i>	<i>Final Plat</i>	<i>Lot Split</i>
a.	Location of existing streets, utility easements and drainage abutting the development	X	X	X
b.	Location of all prominent physical features, such as buildings, railroads and creeks	X		
c.	Minimum finish floor elevation for each lot, at or above curb level except as waived by the planning commission			X

		<i>Preliminary Plat</i>	<i>Final Plat</i>	<i>Lot Split</i>
d.	Drainage plan with all necessary calculations, design criteria, dated and signed by the P.E. and other necessary information required to meet city code	X		
e.	Location of all proposed property lines, lot and block numbers, building lines, easements, dedications, reservations	X	X	X
f.	Flood areas	X	X	X
g.	Street requirements included in plan and profile, cross section, right-of-way dedication, design criteria, and other information to meet city code	X	X	X

(Code 1997, § 110-35; Ord. No. 04-56, § 4, 5-25-2004)

**Sec. 14-584. Expedited consideration of lot splits and lot line adjustments.**

(a) Notwithstanding any provision of this Code to the contrary, lot splits and lot line adjustments may be approved in an expedited manner by the city planner, or his designee, without the formality of planning commission approval, according to this section, if the following conditions are met:

- (1) The applicant has paid a filing fee as currently established and found in appen-

dix B to this Code or as hereafter adopted by resolution of the city council from time to time.

- (2) The lot split or lot line adjustment is in accord with the requirements of this Code.
- (3) Any and all variances necessary for the lot split have been obtained prior to expedited approval.
- (4) Any affected utility easements have been evacuated.

(b) Denial of a lot split or lot line adjustment by the city planner, or his designee, may be appealed, within ten days of the denial, to the planning commission for full consideration. Failure to appeal a denial within the time allotted will operate as if the planning commission had denied the request.

(c) Any lot split or lot line adjustment approved by the planning office must be signed by the director of public works and the city planner, or his designee, prior to recordation.  
(Code 1997, § 110-36; Ord. No. 05-61, § 2, 4-26-2005)

#### **Secs. 14-585—14-601. Reserved.**

### **DIVISION 3. DESIGN STANDARDS, REGULATIONS AND REQUIRED IMPROVEMENTS FOR LAND DEVELOPMENT**

#### **Sec. 14-602. Conformity.**

The proposed land development shall meet the regulations and required improvements for land development in this division. Also, they shall meet the state health department requirements. Unless specified, the standards, regulations and required improvements in this division apply to all land development and new extensions.  
(Code 1997, § 110-50; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

#### **Sec. 14-603. Fitness for development.**

(a) *Flood hazard areas.* A flood hazard area is one subject to a base flood as defined by the Federal Insurance Administration and as identi-

fied on its flood hazard boundary map as provided by FEMA. A copy of the map shall be displayed in the city planning office. The following regulations apply to flood hazard areas:

- (1) No plat of a land development shall be approved that contains lots or building sites in a flood hazard area unless the finished floor elevation of the lowest livable floor is at least two feet above the level of the base flood.
- (2) When a portion of a land development contains portions of flood hazard area, they shall be clearly delineated on the preliminary and final plats. No structures shall be constructed in the areas designated as floodway.

(b) [*Steep grades, unstable soil and floodplains.*] Based on topographic maps, soil surveys prepared by the U.S. Department of Agriculture and drainage information, the planning commission may require that steep grades, unstable soil and floodplains be set aside and not subdivided until corrections are made to protect life, health, and property.

(Code 1997, § 110-51; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

#### **Sec. 14-604. Residential lot and block standards for subdivisions.**

(a) *Residential lot size and shape.* The size and shape of the lots shall not be required to conform to any stipulated pattern, but insofar as practical, side lot lines should be at right angles to straight street lines or radial to curved street lines.

(b) *Easements.* Where required for drainage and utilities, easements shall be at least 15 feet in width. If there is an adjoining easement, the total combined width of both easements shall be at least 15 feet. Easements of adequate width in accordance with engineering or open space standards shall be provided for open drainage channels or scenic streambeds, where required.

(Code 1997, § 110-52; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

**Sec. 14-605. Lot and block standards for mobile home parks.**

(a) *Lot size and density.* All standards contained in Rules and Regulations Pertaining to Mobile Homes and Travel Trailer Parks adopted by the State Board of Health shall apply.

(b) *Boundary and buffer areas.* Depending upon location, density of proposed mobile home park and other factors, the planning commission may require buffers where deemed necessary.

(c) *Road and street maintenance.* All roads and streets within the mobile home park or providing access to the mobile home park that will be dedicated to the city shall be designed and constructed in accordance with the design requirements and specifications contained in this division.

(d) *Parking.* At least two off-street designated parking spaces shall be provided for each mobile home.

(e) *Tiedowns.* Tiedowns, in accordance with state and federal regulations, shall be constructed and made available to the mobile home park tenants.

(f) *Easements.* Easements at least 15 feet wide shall be provided, where needed, for utilities. Easements of adequate width in accordance with engineering or open space standards shall be provided for open drainage channels or scenic streambeds, where required.

(Code 1997, § 110-53; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

**Sec. 14-606. Street design criteria for land development.**

All design criteria for streets and roads in land developments are contained in the latest revision of Design Criteria and Construction Specifications for the Division, Development and Improvement of Land in the City of Rogers. The traffic classification and soil types described in this division shall be used to determine the minimum pavement structure for each proposed street or road:

(1) *Extensions.* All street and road extensions shall meet all current design standards.

(2) *Substandard widths.* Land developments that adjoin substandard existing streets shall meet the requirements of the master street plan currently in use.

(3) *Street names and numbers.* Names and numbers of streets and roads shall be consistent with natural alignment and extensions of existing streets or roads. New street or road names must be used which will not duplicate or be easily confused with existing names and must be approved by the city fire department.

(4) *Tangents.* A straight tangent at least 100 feet long shall separate reverse curves.

(5) *Temporary cul-de-sac.* Temporary culs-de-sac designed to provide future connections with adjoining undeveloped areas shall provide a temporary turnaround easement and shall be designed in a manner which will prevent excessive accumulations of runoff water at the dead end.

(6) *Permanent cul-de-sac.* Streets with permanent culs-de-sac shall not exceed 660 feet in length, measured to the outer edge of the turnaround. All turnarounds shall have radii as follows:

a. Hard surface pavements. Paving radius with curb and gutter shall be 50 feet; without curb and gutter shall be 60 feet.

b. Right-of-way with curb and gutter shall be 60 feet; without curb and gutter shall be 70 feet.

(7) *Intersections.* Streets shall be designed to intersect as nearly as possible at right angles, provided that no street shall intersect with any other street at less than 75 degrees.

a. Intersections of local streets shall have a minimum driving surface radius of 30 feet.

b. Intersections of collector or high density residential streets shall have a minimum driving surface of 40 feet.

c. All corner radii must be shown on the street improvement plan.

(8) *Street grades.* Street grades shall conform to the following:

- a. Street grades for arterial highways and collector streets shall not exceed eight percent; grades for all other classifications of streets shall not exceed ten percent.
- b. All changes in grade shall be connected by a vertical curve of a reasonable length to ensure adequate sight distance for the design speed.
- c. In approaching intersections, there shall be a suitable leveling of the street grade, generally not exceeding five percent, for a distance of not less than 50 feet from the nearest line of the intersecting street, or a percentage and distance approved by the city engineer or street superintendent.
- d. To the extent possible and practical, all minor streets and driveways should be sloped away from the major street or county road to prevent water and debris from being deposited on the major street or road.
- e. The grade within the intersection should be as level as possible, and consistent with proper provisions for drainage.

(9) *[Abutting federal, state or other arterial trafficway.]* In platting lands abutting federal and state highway or other arterial trafficways, every effort shall be made to:

- a. Cushion the adverse impact of heavy or high speed traffic on such lands, especially where used for residential purposes; and
- b. Minimize interference with through traffic operations, and to reduce vehicular and pedestrian accident hazards.

(Code 1997, § 110-54; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

**Sec. 14-607. Pavement section design for land developments.**

(a) *Street classifications for pavement design.* The street classifications contained in this section shall be used to select the street geometries

contained in Table 1 of the Design Criteria and Construction Specifications. The following street classifications by traffic and 18 kip equivalent axle loads are used primarily to determine the pavement structural sections. Pavement structural design based on equivalent axle loads (EALs) for each street shall be classified by function and/or traffic in one of the following classes:

(1) *Minor—Residential subdivision and light commercial streets.* These streets have an average of 50 to 150 vehicles per day and not more than ten average 18 kip EALs per day, or not more than 73,000 total 18 kip EALs during the 20 year design period.

(2) *Collector—Residential collector and commercial streets.* These streets have an average of 150 to 400 vehicles per day and not more than 40 average 18 kip EALs during the 20 year design period.

(3) *Minor arterial—Residential arterial, heavy commercial, and light industrial streets.* These streets include:

Arterials in residential subdivisions, Heavy commercial streets; and light industrial streets.

They have an average of 400 to 850 vehicles per day and not more than 80 average 18 kip EALs per day, or not more than 584,000 total 18 kip EALs during the 20 year design period.

(4) *Major arterials and boulevards—All higher class streets and highways.*

a. Average daily traffic (ADT) may be estimated at the rate of five to six round trips per resident or dwelling unit per day.

b. For collector and minor arterials, the EALs are based on 100 percent of the one-way ADT times a load factor of 0.09 for single unit trucks, plus ten percent of the one-way ADT times a load factor of 1.00 for multiple unit trucks.



[(b)] *Pavement section.* For a minor street, the street will have six-inch Class 7 base and two-inch surface course. If the street is greater than a minor street, the engineer must submit a formal design only, using PCA, The Asphalt Institute, AASHTO or other higher formal pavement design procedures and be tested by a certified laboratory. (Code 1997, § 110-55; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

**Sec. 14-608. Requirements for improving substandard streets.**

When a proposed land development has direct access to or fronts on an existing substandard street, the developer shall be responsible for the following:

- (1) In all cases, for the entire length of the proposed land development, the developer shall dedicate a minimum of 25 feet of right-of-way measured from the centerline of the existing street. The right-of-way shall be determined by the master street plan. For unusual alignment or terrain conditions, the planning commission and/or city council may require a greater width of right-of-way dedication. The required width of right-of-way dedication shall be determined during the preliminary plat review and approval stage. When the proposed development is of a size and magnitude to show cause for additional street development, such access street shall have standard right-of-way easements and road construction that comply with appropriate city standards.
- (2) If an off-site substandard street serves a proposed development the developer shall be responsible for the entire cost of improving the off-site section of street to the current city standards. The upgrading of said off-site section of street shall be included as a part of the development plan.
- (3) The street improvement cost shall include, but not be limited to, the costs of right-of-way clearing, roadway excavation and embankment, bridges, pipe and box culverts, roadway shaping, drainage blankets, base paving, utility adjust-

ments, and miscellaneous items. The developer's proportionate share of the street improvement costs shall be 50 percent when the development abuts one side of the street, and 100 percent when the development abuts both sides of the street.

- (4) The type of street improvement shall be based on the city master street plan and design standards. The developer's proportionate share of the cost of improving the street shall be determined by the director of public works.
  - (5) Depending on the road classification, surface type, surface width and condition, traffic, terrain, alignment, drainage and budget, one of the following types of improvements shall be made:
    - a. Patching and hot mix overlay within existing right-of-way with some possible drainage and alignment work.
    - b. Reconstruction involving right-of-way clearing, drainage structures, shaping roadway, drainage blankets, base paving and miscellaneous items. The paving shall consist of asphalt hot mix surface course.
  - (6) The required off-site improvements and the developer's proportionate share of the cost shall be determined at the preliminary plat review and approval stage.
  - (7) Any monies paid into the city street fund may be used by the city for any purpose determined to be in the public interest of the city. The city may use the funds to improve said street, improve other streets, or for maintenance of city streets.
- (Code 1997, § 110-56; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

**Sec. 14-609. Dedication of land for public park and greenway master trail sites.**

In all land development, the developer must dedicate areas for parks, playgrounds, recreational areas, trails, and/or green spaces as shown on the parks plan and the master greenways and trails plan. Said dedication shall be in proportion

to and reasonably related to the impact created by the development. All areas dedicated to the city must be consistent with the parks plan and master greenways and trails plan and they must have the approval of the planning department at the preliminary plat review and approval stage.

(Code 1997, § 110-57; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 05-140, § 1, 10-25-2005; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

**Sec. 14-610. Minimum survey standards for subdivision developments.**

This section shall apply to all developments requiring the submittal of a preliminary or final plat to the planning commission or planning department for review and approval. All boundary surveys performed for the purpose of subdividing properties within the jurisdiction of the city shall conform to the state minimum standards for property boundary surveys and plats, except where the standards contained within this chapter exceed those established by the state.

(1) *Documentation; standard data control form.* Position and reference information shall be provided on a standard data control form for a minimum of two monuments which shall be intervisible with each other and located on or within the boundary of the subject property. Each monument shall be referenced to the City GPS Monument Network, and at least one of these monuments shall be referenced to two separate existing monuments in the network. Standard data control forms may be obtained from the city planning department and will be submitted with the final plat. These monuments may be included in the City GPS Monument Network if, after their review by the city, they are determined to be suitable for inclusion into the network.

(2) *Monumentation.*

a. *Monument construction.* City GPS Monument Network monuments may be cast in place or prefabricated con-

crete posts. They shall be constructed of similar materials as described below:

1. A minimum six-inch diameter steel reinforced concrete post set flush with ground. The concrete shall be 3,000 psi minimum compressive strength pre-mix concrete.
2. Monument shall be a minimum of 36 inches in depth.
3. Steel reinforcement shall consist of a minimum of two 34-inch long, one-half-inch diameter steel bars. Bars shall be driven a minimum of six inches into undisturbed soil.
4. A brass or aluminum survey cap (including a permanent magnet), a minimum of two inches in diameter, shall be cast or grouted into the top of the concrete post. The following information shall be stamped into the survey cap:
  - (i) A stamped point to mark the precise location of the point being monumented.
  - (ii) Registration number of the surveyor in charge.
  - (iii) Monument number as assigned by the city.

b. *Lot and boundary corner monuments.* All interior and exterior lot corners, boundary corners, street centerline control points, and any street right-of-way control points, other than those described in subsection (2)a. of this section, shall be established and monumented according to the specifications outlined with the state minimum standards for property boundary surveys and plats and any amendments made thereto.

(3) *Horizontal control standards.*

a. *Horizontal datum.* The horizontal datum for all survey work performed

shall be the State Plane Coordinate System—North Zone—NAD 83. All horizontal control work shall commence and end at a City GPS Monument Network monument or City GPS Monument Network first generation monument.

- b. *Accuracy standard.* Horizontal positions for all City GPS Monument Network monuments shall be determined to an accuracy standard equal to Urban Type A classification as defined by the state minimum standards for property boundary surveys and plats. All field techniques and procedures shall be completed with equipment required to ensure that a true Urban Type A accuracy level is achieved.

(4) *Vertical control standards.*

- a. *Vertical datum.* The vertical datum for all survey work performed shall be the North American Vertical Datum 1988 (NAVD88). All vertical control work shall commence and end at a City GPS Monument Network monument or City GPS Monument Network first generation monument.
- b. *Accuracy standard.* Elevations for all concrete monuments shall be determined to an accuracy standard equal to third order classification as defined by the Federal Geodetic Control Committee. All field techniques and procedures shall be compatible with the equipment utilized to ensure that a true third order accuracy level is achieved.

(Code 1997, § 110-58; Ord. No. 05-131, 9-27-2005; Ord. No. 07-109, § 1, 7-24-2007; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

**Sec. 14-611. Access management standards.**

The access management standards codified in section 14-260 are applicable to the development of subdivisions and are hereby incorporated into this division by reference.

(Code 1997, § 110-59; Ord. No. 04-24, § 2, 3-9-2004)

**Secs. 14-612—14-640. Reserved.**

**DIVISION 4. ADMINISTRATION AND ENFORCEMENT**

**Sec. 14-641. Adoption, administration and enforcement.**

It is the intent of these rules and regulations that the public interest be protected by a thorough review of all proposed plats and construction plans and specifications without undue delay to the developer. The primary responsibility for the adoption, amendment, interpretation, administration, review, approval and enforcement of these regulations shall be as follows:

- (1) The city planning commission shall be responsible for the planning requirements and proposed development activities contained in this chapter with assistance from the planning department.
- (2) The city engineer and city planner shall be responsible for the approval of proposed street and storm drainage plans and specifications; and the inspection, testing and acceptance of said improvements, including offsite improvements.
- (3) The planning commission shall be responsible for maintaining, amending, modifying and updating these regulations with assistance for the planning official.
- (4) A property owners association shall be created by the developer and said property owners association shall be responsible for the maintenance and care of any and all detention ponds within the subdivision.

(Code 1997, § 110-70; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 05-121, § 1, 9-13-2005)

**Sec. 14-642. Appeal procedures.**

The following appeal procedures have been established:

- (1) *Planning commission decisions.*
  - a. The developer or owner of any property adjacent to the proposed land development may appeal the deci-

sion of the planning commission to the city council by filing such a notice of appeal with the city clerk within ten days from the date of such decision.

- b. The city council shall hear all persons desiring to be heard on the question of whether the findings and decisions of the planning commission were in error. Following such hearing, the city council may affirm, modify, or reverse any findings or decision of the planning commission or may refer the proposed development back to the planning commission for additional study. The city council may refuse to approve the proposed improvement for any of the reasons specified in this chapter.

(2) *Planning official decisions.*

- a. The developer or owner or contractor of any proposed land development may appeal the decision of the planning official to the planning commission by filing such a notice of appeal with the administrative officer within ten days from the date of such decision.
- b. The planning commission shall hear all persons desiring to be heard on the question of whether the findings and decisions of the planning official were in error. Following such hearings and review, the planning commission may affirm, modify, or reverse any finding or decision of the planning official.

- (3) The planning commission's decision may be appealed to the city council following the process in subsection (1)a of this section.

(Code 1997, § 110-71; Ord. No. 04-56, § 4, 5-25-2004)

**Sec. 14-643. Variations.**

(a) If the provisions of these standards are shown by the developer (by plan or written statement) to cause undue hardships as they apply to

the proposed land development, depending on the nature of the hardship a variance from such provisions may be made by the planning commission so that substantial justice may be done and the public interest secured; provided that the variation will not have the effect of nullifying the intent and purpose of these regulations.

(b) In granting a variance and modifications, the planning commission may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

(Code 1997, § 110-72; Ord. No. 04-56, § 4, 5-25-2004)

**Sec. 14-644. Amendment.**

The regulations in this division may be amended by the affirmative vote of a majority of the full membership of the planning commission, following the same procedures used in the original adoption. The planning commission may from time to time add to, delete, or modify the plat format information.

(Code 1997, § 110-74; Ord. No. 04-56, § 4, 5-25-2004)

**Sec. 14-645. Legal approval.**

Prior to its consideration by the planning commission, the proposed amendment may be referred to the legal counsel for review and recommendations.

(Code 1997, § 110-75; Ord. No. 04-56, § 4, 5-25-2004)

**Sec. 14-646. Enforcement.**

In order to carry out the purpose of this division and to ensure orderly program of land development after the effective date of the ordinance from which this division is derived:

- (1) No plat of any tract or parcel of land within the planning area jurisdiction of the city shall be accepted by the county recorder for filing unless the plat has been approved by the planning commission.
- (2) No conveyance by metes and bounds of tracts or parcels coming under the definition of land development without compli-

ance with the applicable provisions of these regulations or amendments thereto shall be permitted. This provision is aimed at preventing any attempt to circumvent these regulations by conveying by metes and bounds without taking the necessary steps for filing an approved plat.

- (3) No dedication of roads or streets shall be accepted by the city unless the use of the adjoining affected land is shown. If the purpose of opening the road or street is to make the affected land available for sale as a subdivision or mobile home park, the road or street shall not be accepted unless accompanied by the required plat.
- (4) Suburban development in the planned growth area of the city shall be under the jurisdiction of these regulations. However, no dedications of land or streets to the county shall be accepted by the county until the city has approved the final plat and construction of improvements; and the county has received the appropriate maintenance bonds for the street and storm sewer improvement work.

(Code 1997, § 110-76; Ord. No. 04-56, § 4, 5-25-2004)

#### **Sec. 14-647. Inspection.**

The mayor, members of the city council, members of the planning commission, planning official or any of their authorized representatives may at any time review the records or enter the development to review and inspect the improvements and work for compliance with these regulations.

(Code 1997, § 110-77; Ord. No. 04-56, § 4, 5-25-2004)

#### **Sec. 14-648. Penalties.**

A violation of these regulations or failure to comply with the provisions of this division shall subject the person to the following penalties:

- (1) *Violations.* Violations shall be subject to a fine in the maximum amount. Each day in which a violation continues, prior to instigation of appeal, shall constitute a separate offense.

- (2) *Civil action.* The planning commission or any affected person may institute a civil suit to prevent or remove a violation of these regulations. The chairman of the planning commission shall instigate with the city council any such suit within 30 days of planning commission actions upon written notice by the planning official of known violations.

(Code 1997, § 110-78; Ord. No. 04-56, § 4, 5-25-2004)

**Secs. 14-649—14-669. Reserved.**

